

## Exhibit A

### Low Impact Development Ordinance

URGENCY ORDINANCE NO. 2840

An ordinance amending MUNICIPAL CODE Chapter 13.20 of the City of El Monte Municipal Code to expand the applicability of the existing Stormwater and Urban Runoff Pollution Control Section 13.20.150 – Post-Construction Pollution reduction requirements by imposing Low Impact Development (LID) strategies on projects that require building permits and/or encroachment permits.

#### Findings.

- A. The City of El Monte (“City”) is authorized by Article XI, §5 and §7 of the State of California Constitution to exercise the police power of the State by adopting regulations to promote public health, public safety and general prosperity.
- B. The City has authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions and limitations with respect to any activity which might degrade the State’s water quality.
- C. The City is a permittee under the “Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4,” issued by the California Regional Water Quality Control Board--Los Angeles Region,” (Order No. R4-2012-0175) which also serves as an NPDES Permit under the Federal Clean Water Act (NPDES No. CAS004001), as well as Waste Discharge Requirements under California law (the “Municipal NPDES permit”). In order to participate in a Watershed Management Program and/or Enhanced Watershed Management Program, the Municipal NPDES permit requires permittees to develop and implement a LID Ordinance consistent with the Planning and Land Development Program requirements contained within the Permit.
- D. The City has applied an integrated approach to incorporate wastewater, stormwater runoff, and recycled water management into a single strategy through its Integrated Resources Plan.
- E. The City is committed to a stormwater management program that protects water quality and water supply by employing watershed-based approaches that balance environmental, social, conservation, and economic considerations.
- F. Urbanization has led to increased impervious surface areas resulting in increased water runoff causing the transport of pollutants to downstream receiving waters.
- G. The City needs to take an alternate approach to managing rainwater and urban runoff while mitigating the undesirable impacts of development and urbanization.

H. LID is widely recognized as a sensible approach to managing the quantity and quality of stormwater and non-stormwater runoff. It sets standards and practices that maintain, improve or restore the natural hydrological contours of the site, reduce runoff, improve water quality, and provide groundwater recharge.

Municipal Code Chapter 13.20 of the City of El Monte Municipal Code is amended in its entirety to read as follows:

### **13.20.010 Definitions.**

Except as specifically provided herein, any term used in this Section 13.20 shall be defined as that term in the current Municipal NPDES permit, or if it is not specifically defined in either the Municipal NPDES permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. If the definition of any term contained in this chapter conflicts with the definition of the same term in the current Municipal NPDES permit in effect at the City at the time of development application, then the definition contained in the Municipal NPDES permit shall govern. The following words and phrases shall have the following meanings when used in this chapter:

**Automotive Service Facility** means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes. For inspection purposes, City need not inspect facilities with SIC codes 5013, 5014, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to stormwater.

**Basin Plan** means the Water Quality Control Plan, Los Angeles Region Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Water Board on June 13, 1994 and subsequent amendments.

**Best Management Practice (BMP)** means practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters, or designed to reduce the volume of stormwater or non-stormwater discharged to the receiving water.

**Biofiltration** means a LID BMP that reduces stormwater pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Therefore, the term "biofiltration" as used in this Ordinance is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain (subject to approval by the Regional Board's Executive Officer). Biofiltration BMPs include bioretention systems with an underdrain and bioswales.

**Bioretention** means a LID BMP that reduces stormwater runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum 2-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in the Municipal NPDES permit, a bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated by the Municipal NPDES permit as biofiltration.

**Bioswale** means a LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect stormwater runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes.

**City** means the City of El Monte.

**Clean Water Act (CWA)** means the Federal Water Pollution Control Act enacted in 1972, by Public Law 92-500, and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to Waters of the United States unless the discharge is in accordance with an NPDES permit.

**Commercial Malls** means any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store, along with parking area(s). A commercial mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers.

**Construction Activity** means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that results in land disturbance. Construction activity also covers any activity that requires coverage under the State General Construction Permit by the State of California General Permit for Storm Water Discharges Associated with Industrial Activities or for Stormwater Discharges Associated with Construction Activities.

**Control** means to minimize, reduce or eliminate by technological, legal, contractual, or other means, the discharge of pollutants from an activity or activities.

**Development** means construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

**Directly Adjacent** means situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area.

**Discharge** means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance.

**Disturbed Area** means an area that is altered as a result of clearing, grading, and/or excavation.

**Flow-through BMPs** means modular, vault type “high flow biotreatment” devices contained within an impervious vault with an underdrain or designed with an impervious liner and an underdrain.

**General Construction Activities Storm Water Permit (GCASP)** means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from construction activities under certain conditions.

**General Industrial Activities Storm Water Permit (GIASP)** means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from certain industrial activities under certain conditions.

**Green Roof** means a LID BMP using planter boxes and vegetation to intercept rainfall on the roof surface. Rainfall is intercepted by vegetation leaves and through evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain.

**Hazardous Material(s)** means any material(s) defined as hazardous by Division 20, Chapter 6.95 of the California Health and Safety Code.

**Hillside** means a property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater and where grading contemplates cut or fill slopes.

**Hydromodification** means the alteration of the hydrologic characteristics of coastal and non-coastal waters, which in turn could cause degradation of water resources. Hydromodification can cause excessive erosion and/or sedimentation rates, causing excessive turbidity, channel aggradation and/or degradation. (Source: GCASP)

**Impervious Surface** means any man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate, when compared to natural conditions prior to development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops.

**Industrial Park** means land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which have offices and light industry.

**Infiltration BMP** means a LID BMP that reduces stormwater runoff by capturing and infiltrating the runoff into in-situ soils or amended onsite soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement.

**LID** means Low Impact Development. LID consists of building and landscape features designed to retain or filter stormwater runoff.

**MS4** means Municipal Separate Storm Sewer System (MS4). The MS4 is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- i. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- ii. Designed or used for collecting or conveying stormwater;
- iii. Which is not a combined sewer; and
- iv. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.(40 CFR § 122.26(b)(8))

**National Pollutant Discharge Elimination System (NPDES)** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA §307, 402, 318, and 405. The term includes an “approved program”.

**Natural Drainage System** means a drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system.

**New Development** means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision.

**Non-Stormwater Discharge** means any discharge to a municipal storm drain system that is not composed entirely of stormwater.

**Parking Lot** means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces.

**Person** means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, state, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

**Planning Priority Projects means** development projects subject to City conditioning and approval for the design and implementation of post-construction controls to mitigate stormwater pollution, prior to completion of the project.

**Pollutant** means any “pollutant” defined in Section 502(6) of the Federal Clean Water Act or incorporated into the California Water Code Sec. 13373. Pollutants may include, but are not limited to the following:

- (1) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge).
- (2) Metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium, and non- metals such as phosphorus and arsenic).
- (3) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease).
- (4) Excessive eroded soil, sediment, and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora, or fauna of the State.
- (5) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities).
- (6) Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

**Project** means all development, redevelopment, and land disturbing activities. The term is not limited to "Project" as defined under CEQA (Pub. Resources Code §21065).

**Rainfall Harvest and Use** means a LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department.

**Receiving Water** means “water of the United States” into which waste and/or pollutants are or may be discharged.

**Redevelopment** means land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of routine maintenance activity; and land disturbing activity related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

**Regional Board** means the California Regional Water Quality Control Board, Los Angeles Region.

**Restaurant** means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812).

**Retail Gasoline Outlet** means any retail gasoline outlet per SIC 5541.

**Routine Maintenance**

Routine maintenance projects include, but are not limited to projects conducted to:

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.
3. Includes road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts.
4. Update existing lines\* and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
5. Repair leaks.

Routine maintenance does not include construction of new\*\* lines or facilities resulting from compliance with applicable codes, standards and regulations.

\* Update existing lines includes replacing existing lines with new materials or pipes.

\*\* New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines.

**Significant Ecological Areas (SEAs)** means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

1. The habitat of rare, endangered, and threatened plant and animal species.
2. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis.
3. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County.
4. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or within Los Angeles County.
5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community.
6. Areas important as game species habitat or as fisheries.

7. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.
8. Special areas.

**Site** means land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity.

**Storm Drain System** means any facilities or any part of those facilities, including streets, gutters, conduits, natural or artificial drains, channels, and watercourses that are used for the purpose of collecting, storing, transporting or disposing of stormwater and are located within the City of El Monte.

**Storm Water or Stormwater** means water that originates from atmospheric moisture (rain or snow) and that falls onto land, water, or other surfaces. Without any change in its meaning, this term may be spelled or written as one word or two separate words.

**Stormwater Runoff** means that part of precipitation (rainfall or snowmelt) which travels across a surface to the storm drain system or receiving waters.

**SUSMP** means the Los Angeles Countywide Standard Urban Stormwater Mitigation Plan. The SUSMP was required as part of the previous Municipal NPDES Permit (Order No. 01-182, NPDES No. CAS004001) and required plans that designate best management practices (BMPs) that must be used in specified categories of development project.

**Urban Runoff** means surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial, or industrial activities involving the use of potable and non-potable water.

### **13.20.020. SHORT TITLE**

- (A) The ordinance codified in this chapter shall be known as the “Low Impact Development (LID) Ordinance of the City of El Monte” and may be so cited.

### **13.20.020. STORMWATER POLLUTION CONTROL MEASURES FOR DEVELOPMENT PLANNING AND CONSTRUCTION ACTIVITIES**

- (A) **Objective.** The provisions of this section contain requirements for site design and post-construction BMP operation and maintenance of Development and Redevelopment projects to comply with the City of El Monte’s Municipal NPDES permit (Permit) currently in effect at the time of development application submittal, to lessen the water quality impacts of development by using smart growth practices, and integrate LID design principles to mimic predevelopment hydrology through infiltration, evapotranspiration and rainfall harvest and use.

- (B) **Scope.** This Section contains requirements for stormwater pollution control measures in Development and Redevelopment projects and authorizes the City of El Monte to further define and adopt stormwater pollution control measures, to develop LID principles and requirements, including but not limited to the objectives and specifications for integration



of LID strategies, and to grant alternative compliance for technical infeasibility, as allowed by the Municipal NPDES Permit currently in effect at the time of development application, and collect fees from projects granted exceptions. Except as otherwise provided herein, the City of El Monte shall administer, implement and enforce the provisions of this Section. Any guidance documents supporting implementation of the Municipal NPDES permit requirements, currently in effect at the time of development application submittal, meeting application in this Ordinance, are hereby incorporated by reference.

**(C) Applicability.** This Section is applicable to projects as defined below:

- 1) All Development and Redevelopment projects, termed “Planning Priority Projects,” as defined in the Municipal NPDES Permit currently in effect at the time of the development application, shall comply with subsection E of Section 13.20.020.
- 2) Street and Road Construction projects of ten thousand (10,000) square feet or more of impervious surface, in addition to complying with all other applicable provisions of Section 13.20.020, shall follow USEPA guidance regarding “Managing West Weather with Green Infrastructure: Green Streets” (December 2008, EPA-833-F-08-009) to the maximum extent practicable. This subsection applies to standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects, including Capital Improvement Projects (CIPs).
- 3) Single Family Hillside Homes (as defined in City Code 13.20.010 Part C), in addition to complying with all other applicable provisions of Section 13.20.020, shall implement the following measures:
  - i. Conserve natural areas
  - ii. Protect slopes and channels
  - iii. Provide storm drain stenciling and signage
  - iv. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability
  - v. Direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability.
- 4) Any other project, as deemed appropriate by the Department, submitted for complete discretionary or non-discretionary permit application filed with the Department after December 31, 2012.

**(D) Effective Date.** The Planning and Land Development requirements contained in this Ordinance shall become effective 30 Days from the adoption of this Ordinance. This includes all applicable projects listed in subsection C of Section 13.20.020 that are discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals within 30 days of adoption of this Ordinance. Projects that have been deemed complete within 30 days of adoption of this Ordinance are not subject to the requirements of this Chapter.

**(E) Stormwater Pollution Control Requirements.** All applicable projects listed in subsection C of Section 13.20.020 shall be designed to control pollutants, pollutant loads, and runoff volumes to the maximum extent feasible by minimizing impervious

surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use. All applicable projects shall prepare a LID Plan that is submitted to and approved by the Department. All LID plans shall comply with the following:

- a. Low Impact Development Standards and BMP Implementation hierarchy: All project Applicants shall:
  - i. Properly select, design and maintain LID and Hydromodification Control BMPs to address pollutants that are likely to be generated, reduce changes to pre-development hydrology, assure long-term function and avoid breeding of vectors.
  - ii. Prioritize the selection of BMPs to remove Stormwater pollutants, reduce Stormwater runoff volume, and beneficially use Stormwater to support an integrated approach to protecting water quality and managing water resources in the following order:
    1. On-site infiltration, bioretention and/or rainfall harvest and use; then
    2. On-site biofiltration, offsite groundwater replenishment, and/or off-site retrofit.
      - a. If using biofiltration due to demonstrated technical infeasibility, then the volume to be biofiltrated shall be calculated using the following equation:
$$B_v = 1.5 * [SWQD_v - R_v]$$
Where:  
 $B_v$  = biofiltration volume  
 $SWQD_v$  = the storm water runoff from a 0.75 inch, 24-hour storm or the 85<sup>th</sup> percentile storm, whichever is greater  
 $R_v$  = volume reliably retained on-site
- b. Retain onsite the Stormwater Quality Design Volume (SWQD<sub>v</sub>) as required per the Permit currently in effect at the time of development application submittal.
- c. When 100 percent onsite retention of the SWQD<sub>v</sub> is technically infeasible, partially or fully, the infeasibility shall be demonstrated in the submitted LID Plan and approved by the Department. Technical infeasibility may result from conditions that may include, but are not limited to:
  - i. The infiltration rate of saturated in-situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQD<sub>v</sub> onsite
  - ii. Locations where seasonal high groundwater is within ten feet of surface grade

- iii. Locations within 100 feet of a groundwater well used for drinking water
  - iv. Brownfield development sites or other locations where pollutant mobilization is a documented concern
  - v. Locations with potential geotechnical hazards
  - vi. Smart growth and infill or redevelopment locations where the density and/or nature of the project would create significant difficulty for compliance with the onsite volume retention requirement.
- d. Projects that have successfully demonstrated technical infeasibility for full retention of the SWQDv to the Department, shall implement alternate compliance measures (alternate mitigation options) as designated in the Permit currently in effect at the time of development application submittal.
  - e. Additional alternative compliance options, such as offsite infiltration, may be available to the project. The project applicant should contact the Department to determine eligibility. Alternative compliance options are as further specified in the Permit currently in effect at the time of development application submittal.
  - f. A Multi-Phased Project shall comply with the standards and requirements of this section for all of its phases by:
    - i. Designing a system acceptable to the Department to satisfy these standards and requirements for the entire Site during the first phase; and/or
    - ii. Implementing these standards and requirements for each phase of Development or Redevelopment of the project during the first phase or prior to commencement of construction of a later phase, to the extent necessary to treat the stormwater from such later phase.
    - iii. For purposes of this subsection, “Multi-Phased Project” shall mean any Planning Priority Project implemented over more than one phase and the site of a Multi-Phased Project shall include any land and water area designed and used to store, treat or manage stormwater runoff in connection with the Development or Redevelopment, including any tracts, lots, or parcels of real property, whether Developed or not, associated with, functionally connected to, or under common ownership or control with such Development or Redevelopment.
  - g. Minimize hydromodification impacts by maintaining the project’s pre-development storm water runoff volumes, flow rates, and durations by maintaining the Erosion Potential (EP) in streams at 1, or implementing hydromodification control BMPs and/or LID strategies, or other restoration measures to meet Hydromodification Control Criteria as designated in the Permit currently in effect at the time of development application submittal.
  - h. Department may exempt certain applicable projects listed in subsection C of Section 13.20.020 from hydromodification control requirements where assessments of downstream channel conditions and proposed discharge hydrology indicate that adverse hydromodification effects to beneficial uses of natural drainage systems are unlikely:

- i. The replacement, maintenance or repair of existing, publicly-maintained flood control facilities, storm drains, or transportation networks.
- ii. Redevelopment of a previously developed site in an urbanized area that does not increase the effective impervious area or decrease the infiltration capacity of pervious areas compared to the pre-project conditions.
- iii. Projects that have any increased discharge directly or via a storm drain to a sump, lake, area under tidal influence, into a waterway that has an estimated 100-year peak flow of 25,000 cubic feet per second or more, or other receiving water that is not susceptible to hydromodification impacts.
- iv. Projects that discharge directly or through a storm drain into concrete or other engineered (not natural) channels (e.g. channelized or armored rip rap, shotcrete, etc.) which, in turn, discharge into receiving water that is not susceptible to hydromodification impacts.
- v. Single family homes that incorporate LID BMPs.

**(F) LID Plan Review.** The applicant for any development project shall submit a LID plan to the Department for review and approval that provides a comprehensive, technical discussion of how the development project will comply with this Section 13.20.020. A deposit and fee to recover associated review costs shall be required. Timing for obtaining LID plan approval shall be as follows:

- a. For subdivisions, the LID Plan shall be approved prior to the tentative map.
- b. For any development project requiring a Conditional Use Permit (CUP) or other discretionary entitlement required under (City Code 16.38.010 General Purposes), the LID plan shall be approved prior to the issuance of any such CUP or other discretionary entitlement.
- c. For all development projects, the LID plan shall be approved prior to issuance of a grading permit for the development project, or when no grading permit is required, prior to the issuance of a building permit. When no grading or building permit is required, LID plan approval shall be prior to the commencement of any development activity or as otherwise indicated in the non-discretionary land use approval.

**(G) Ongoing Maintenance.**

- a. All project's LID and hydromodification control features shall be maintained and shall remain operable at all times and shall not be removed from the project unless and until such features have been replaced with other LID and/or hydromodification control features in accordance with this Section.
- b. Unless excused by the Department, all LID plans shall include an operation and maintenance plan and monitoring plan for all LID practices, LID BMPs and hydromodification control features incorporated into the project.
- c. The owner of the subject development project site shall record a covenant or agreement, approved by the Department, in the office of the Los Angeles County Registrar-Recorder/County Clerk indicating that the owner of the subject development project site is aware of and agrees to the requirements in this

subsection. The covenant or agreement shall also include a diagram of the development project site indicating the location and type of each LID and hydromodification control feature incorporated into the development project. The time to record such convenient or agreement shall be as follows:

- i. For any subdivision, prior to final map approval.
- ii. For any other development project, prior to issuance of a grading plan approval for the development project, and when no grading plan approval is required, prior to issuance of building plan approval for the development project.

**(H) Other Agencies of the City of El Monte.** All City of El Monte departments, offices, entities and agencies, shall establish administrative procedures necessary to implement the provisions of this Ordinance on all applicable projects, as listed in subsection C of Section 13.20.020, and report their activities annually to the Department.

**(I) Validity.** If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect remaining provisions of this Ordinance that are declared to be severable.

**(J) Certification.** The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy.